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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/760,065	THANGARAJ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ngoc-Yen M. Nguyen	1754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to August 24, 2006.
2. ☒ The allowed claim(s) is/are 28-30,38-41,46-60,62 and 63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Amend the specification by inserting on page 1 after the title the following new paragraph:

-- This application is a division of co-pending application Serial No. 09/306,035 filed May 6, 1999, now U.S. Patent 6,238,643, which is a division of co-pending application Serial No. 08/965,911, now abandoned.--

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: the prior art does not disclose or suggest a device for producing an aqueous solution of chlorine dioxide comprising a water-permeable membrane and a mixture of at least one metal chlorite and at least one acid forming agent, the acid forming agent is selected from synthetic molecular sieves, acid ion exchange resins, acid treated clays and acid treated calcined clays, and wherein the metal chloride and the acid forming agent will

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react with each other in the presence of water but not in the substantial absence of water.

In the prior art, for example, Barenberg et al (5,965,264), Klatte (5,567,405), when the zeolite is in contact with an *aqueous* solution of metal chlorite, no chlorine dioxide was disclosed as being formed (note Barenberg '264, Example 3 and Klatte '405, column 9, last full paragraph), thus the zeolite and chlorite combination as disclosed in these references fails to meet the required limitation of "will react with each other in the presence of water" in the instant claim 63.

In Lovely (3,591,515), column 3, lines 50-57, the "premature decomposition" as disclosed may suggest that chlorine dioxide could be generated from a chlorite and absorbent combination, wherein the absorbent can be clays among other compounds, however, such "premature decomposition" also suggests that the combination is unstable, therefore, there is no motivation in the art to store or enclose such combination in a membrane as required in the instant claim 63.

In Khanna et al (6,132,748), the amorphous aluminum silicate is not a zeolite or molecular sieve as required in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The terminal disclaimer filed August 24, 2006 has been approved.

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The statement of common ownership at the time the invention was made renders US Patent 6,294,018 ineligible as a reference for a 103 rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen M. Nguyen whose telephone number is (571) 272-1356. The examiner is currently on Part time schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman can be reached on (571) 272-1358. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 or (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed (571) 272-1700.

  
Ngoc-Yen M. Nguyen  
Primary Examiner  
Art Unit 1754

nmn  
September 18, 2006